

also a debt due to such administrator, for which he might retain ; which conclusive evidence must necessarily enure to the benefit of the heirs and devisees ; who, if made to pay, have a right, by substitution, to proceed on such judgment to obtain reimbursement.—The Court of Chancery cannot revise or reform a judgment of a court of common law in any way whatever.

THIS bill was filed on the 7th of November, 1825, by *George Ellicott* against *Joshua Warfield* and *Rachel Welch* the administrators, and *Derastus Welch*, *John Welch*, *Nicholas Welch*, *Rachel Welch* and *Howard Welch*, the infant heirs of the late *Nicholas Welch*, and *Warner Welch*, with whom the administratrix *Rachel* had intermarried. The bill states, that the plaintiff sold a parcel of land to *John Welch* ; which, according to the agreement entered into between them, was, when fully paid for, to be legally conveyed to him ; that soon after entering into this agreement, *John Welch* assigned his interest in the land to *Nicholas Welch*, who took possession of it, and paid a part of the purchase money ; that *Nicholas Welch* died intestate, leaving the defendants his heirs, and a widow, the defendant *Rachel*, who had since intermarried with *Warner Welch* ; that administration had been granted to the widow and *Joshua Warfield* of the personal estate which was wholly insufficient to pay the debts of the deceased ; and that the land was bound by a lien to the plaintiff for the payment of the balance of the purchase money.—Upon which it was prayed that the land might be sold to satisfy the said claim.

As against the widow and her husband, who, having been summoned, had failed to answer, an interlocutory decree was passed taking the bill *pro confesso*. The infant heirs, answering by their guardian *ad litem*, admitted the truth of the allegations of the bill. And the administrator, in his answer, also admitted the truth of the plaintiff's statement ; and prayed that the balance which might remain should be paid to him to be applied, by him, under the directions of the Orphans Court, to the payments of such debts as might be then due from *Nicholas Welch*, deceased, in consequence of the insufficiency of his personal estate. Upon this case, on the 14th of July, 1826, a decree was passed, in the usual form, directing the land to be sold ; under which it was sold accordingly, and the sale finally ratified on the 19th of February, 1827.

The widow, with her second husband, by petition, prayed to be allowed a portion of the proceeds of the sale in lieu of the dower to which she was entitled in the land sold. The plaintiff objected, that the claim was to his prejudice ; and therefore should not be allowed.